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Attorney for creditors Jiame Calderon
 and the three minor children of Jiame Calderon
 and Anna Calderon (deceased)

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In the Matter of:

TULARE REGIONAL HEALTHCARE
 DISTRICT

Debtor.

Case No.: 17-13797-9

DC No.: RDC-1

Chapter 9

Date: November 1, 2017

Time: 9:30 a.m.

Place: 2500 Tulare Street

Fresno, CA 93721

Dep't. B, Courtroom 13, 5th Fl.

Judge: Hon. Rene Lastreto II

(Declaration of Raymond Chandler with
 supporting exhibits is filed concurrently)

**MOTION OF JIAME CALDERON AND THE THREE MINOR CHILDREN OF JIAME
 CALDERON AND ANA CALDERON (DECEASED) FOR RELIEF FROM
 AUTOMATIC STAY AND WAIVER OF 14-DAY HOLD**

I. BACKGROUND: THE DEATH OF ANA CALDERON AND MOVANTS'
 PENDING WRONGFUL DEATH ACTION IN THE DISTRICT COURT

On January 11, 2017, after lengthy state and federal tort claim procedures, Jiame
 Calderon and the three minor children of Jiame Calderon and Ana Calderon (deceased) were

1 finally able to file, and did file, a Complaint for wrongful death in the Federal District Court for
2 the Eastern Division of California. (Declaration of Raymond Chandler, ¶ 3, **Exhibit A**).

3 As alleged in the Complaint, on October 13, 2015, Ana Calderon, then age 39, gave birth
4 to her third child with Jiame Calderon at Tulare Regional Medical Center (“TRMC” a.k.a. Tulare
5 Local Healthcare District, the Debtor herein). There were no complications to mother or baby.
6 (Declaration of Raymond Chandler, ¶ 4).

7 As alleged in the Complaint, on the day following the birth Ana Calderon underwent a
8 bilateral tubal ligation at TRMC. Within a very short period of time after the procedure Ana
9 Calderon suffered massive internal bleeding resulting in irreversible anoxic brain injury (brain
10 death), and several days later she died. (Declaration of Raymond Chandler, ¶ 5).

11 At the time of Ana Calderon’s death the three minor children of Jiame and Ana Calderon
12 were 12 years old, one year old and a newborn. (Declaration of Raymond Chandler, ¶ 6).

13 There are two defendants in the wrongful death action; TRMC and the United States (the
14 surgeon who performed the tubal ligation was an employee of a federally funded clinic).

15 On September 30, 2017, TRMC filed for Chapter 9 bankruptcy and thereafter the
16 automatic stay was issued.

17 II. GROUNDS AND AUTHORITY FOR RELIEF FROM STAY

18 Under 11 U.S.C.A. § 362(d), “On request of a party in interest and after notice and a
19 hearing, the court shall grant relief from the stay provided under subsection (a) of this section,
20 such as by terminating, annulling, modifying, or conditioning such stay-- (1) for cause...”

21 Under 28 USC 157(b)(1), a bankruptcy court may determine “all core proceedings arising
22 under title 11....” Under 28 USC 157(b)(2)(B), the liquidation or estimation of contingent or
23 unliquidated personal injury tort or wrongful death claims against the estate for purposes of
24 distribution in a case under title 11 are exempt from the definition of Core proceeding. Under 28
25 USC 157(b)(2)(O), the bankruptcy court may not make an “adjustment of the debtor-creditor ...
26 relationship” in personal injury tort or wrongful death claims.”

27 Under 28 U.S.C.A. § 157 (b)(5), “The district court shall order that personal injury tort
28 and wrongful death claims shall be tried in the district court in which the bankruptcy case is

1 pending, or in the district court in the district in which the claim arose, as determined by the
2 district court in which the bankruptcy case is pending.”

3 III. RULE 4001(A)(3) SHOULD BE WAIVED IN THE INTEREST OF JUSTICE

4 Movants also request that the Court waive the 14-day hold of the order granting relief
5 from the automatic stay under Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure.
6 The unimaginable loss suffered by Movants is bad enough. They have since endured a lengthy
7 tort claim procedure as required by the laws of the United States, one of the defendants alleged to
8 have caused the death of their wife and mother, and now they have been made to endure a
9 second delay caused by the bankruptcy filing of TRMC, the other defendant alleged to have
10 caused the death of their wife and mother.

11 Movants respect and recognize the necessity for the laws and procedures that have caused
12 the above-described delays. All they ask of this bankruptcy court is to relieve them of the
13 automatic stay and waive the 14 day hold so that they can proceed with the wrongful death
14 action and finally have *their* day in court.

15 IV. GOOD CAUSE EXISTS TO GRANT RELIEF FROM THE STAY
16 AND WAIVE THE 14-DAY HOLD

17 The action filed by Movants that is currently pending in the Federal District Court for the
18 Eastern Division of California is a wrongful death action. Based on the authorities cited above,
19 good cause exists to grant relief from the automatic stay and waive the 14-day hold.

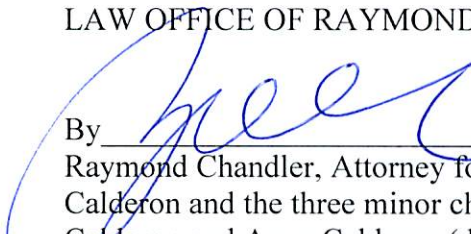
20 V. CONCLUSION

21 For all of the above reasons this Court should issue an Order granting relief from the
22 automatic stay and waiving the 14-day hold.

23 DATED: October 13, 2017

Respectfully submitted,

24 LAW OFFICE OF RAYMOND CHANDLER

25
26 By 
27 Raymond Chandler, Attorney for creditors Jiame
28 Calderon and the three minor children of Jiame
Calderon and Anna Calderon (deceased)